

IN THE CLAIMS:

Please cancel claims 19, 26-28, 32, 33 and 37, without prejudice and for purposes of clarifying the issues on appeal.

REMARKS

This amendment is presented after appeal to address issues raised by the Examiner for the first time in an action following the filing of applicant's brief on appeal. It is also intended to facilitate consideration of the issues on appeal by reducing the claims for review by the Board. Specifically, applicant hereby cancels claims 19, 26-28, 32, 33 and 37, leaving a total of 7 claims (claims 1, 8, 14, 18, 31, 38 and 39) for consideration on appeal.

In the action under reply, the Examiner held that applicant's Appeal Brief was defective in failing to comply fully with 37 CFR 1.192 in certain respects. While the Examiner acknowledged that the brief as filed February 6, 2001 includes references to page and line numbers under the heading "Summary of the Invention," it failed to specify just where terms such as "non-ruminant" and "binds" can be found in the specification. While this invention involves the oral administration of anti-lipase antibodies to post-suckling non-ruminant mammals, such as the rats and mice of at least two months in age referred in the Examples, the specific terms "post-suckling" and "non-ruminant" that were introduced into the claims during prosecution did not appear in the original

specification. Also, while the term "binds" appeared in the claims from the date of original filing of the application (prepared and filed *pro se* by the inventor), a review of the application fails to reveal usage of that particular term in the descriptive portion of the specification apart from the claims. This amendment is intended to correct those deficiencies as generally provided in MPEP §§ 1302.01 and 608.01(o).

Applicant regrets that the lack of antecedental basis for certain claim terminology was never raised by the Examiner until such a late stage in the processing of this application, but it is believed that the omissions are properly correctable by amendment even after the filing of applicant's Appeal Brief as provided in MPEP § 1207. Had the oversight been mentioned or somehow been indicated in any of the actions rendered earlier during prosecution of the application, applicant would have responded by including the terms in the specification in the manner set forth in MPEP §§ 608.01(1), 608.01(o), and 1302.02.

With regard to the claims now being cancelled by this amendment, while it is acknowledged that some of the terminology appearing in those claims is not clearly recited in the specification, much of it appeared in the claims of the application as originally filed and was therefore a proper part of the original disclosure (see MPEP § 608.01(1)). However, applicant believes that arguments concerning the

propriety of such language in the claims at this time would detract from consideration of the real issues on appeal, and applicant therefore believes that by cancelling those claims attention may be focused more clearly on the merits of applicant's invention and the important distinctions over the prior art of record.

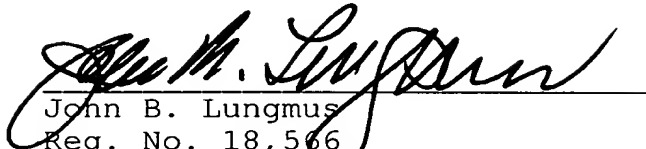
In the action under reply, the Examiner required applicant to submit an amended Appeal Brief overcoming the deficiencies of the original Appeal Brief (Paper No. 20). Three copies of such amended brief, in which additional page and line references to the specification are now made in the Summary of the Invention, and in which the grounds for rejection of claims now appear in the Issues section, are submitted herewith. In addition, because the number of claims for consideration on appeal is now reduced by this amendment, the Status of Claims section and the Status of Amendments section have been revised to explain the changes that have been made, and Appendix A has been changed to set forth only the reduced number of claims to be considered on appeal.

Attached hereto is a page captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE**, showing the changes made to the specification and claims by way of the present amendment.

In view of the above, favorable action and entry of this amendment for purposes of placing the application in better condition for appeal are respectfully requested. In the event any fees are necessary, kindly charge the cost thereof to

Deposit Account No. 13-2855.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please rewrite the paragraph beginning at page 3, line 14, as follows:

Therefore, by inhibiting or binding lipase the ingested fat will not be absorbed and ~~the energy supplied by fat and~~ the fat itself will be excreted.

Please rewrite the paragraph beginning at page 3, line 22, as follows:

The present invention relates to a method for decreasing fat absorption by orally feeding chicken antibodies against lipase to mammals, particularly post-suckling non-ruminant mammals. The preferred antigen for obtaining the antibodies is a swine pancreatic extract that contains lipase. This antigen is commercially produced by Sigma Chemical Co. Lipase is a conserve molecule with similar structure between animal and plant species, therefore an antibody against swine lipase will cross-react with other species' lipases. We have found that by feeding anti-lipase antibodies to post-suckling mice and rats will result in either decreased body weight or reduced feed efficiency. The antibody extract can either be fed in water suspension, included in feed as dry powder and/or encapsulated in liposomes.

Please rewrite the paragraph beginning at page 9, line 2, as follows:

This study illustrates the effect of anti-lipase antibody in mice. Two groups of 5 2-month old (i.e., post-suckling) mice (25-34 gr each) were given 5mg of antibody (protein extract) per ml of water. The antibody was mixed with water on a daily basis. Mice were fed the same amount of feed in both groups (approx. 5 gr/mice/day). The length of the experiment was 58 days. The results are as follows

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